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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,168	10/23/2003	Nathan Raymond Hughes	AUS920030630US1	1935
35525	7590	09/05/2007		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,168	Applicant(s) HUGHES ET AL.	
	Examiner Disler Paul	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-14 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 15-17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/03</u> . | 6) <input type="checkbox"/> Other: ____ |

Response to Amendment

The applicant's amendment of "received stored historical data of input parameters with output parameters " have overcome the prior rejection of last office action, thus the examiner will consider the new amended claims over further prior arts.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

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patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4,8,10-14,18,20- 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsunoda et al. ("US 4,342,023 B2").

Re claim 1, Tsunoda et al. disclose a method for intelligent audio output control (fig.1-3; col.2 line 8-12), the method comprising: receiving values for a set of input parameters (fig.1-2 wt (20); col.4 line 28-39) and receiving stored historical data, wherein the stored historical data comprises stored values for the set of input parameters and a stored audio output parameter value associated with the stored values for the set of input parameters ("fig.1-2 wt: (11); col.4 line 45-57/ stored input data and corresponding precise output stored for specific input data see (col.2 line 40-50)") ; predicting a value for an audio output parameter of an audio system based on the received values for the set of input parameters and the stored historical data; ("fig.1-2 wt (1,11); col.4 line 50-56/input data and corresponding wt stored data (Ram, memory) may be outputted") ; and adjusting the audio output parameter for the audio system using the predicted value for the audio output parameter ("fig.1 (12)/output value according to specific input data (1) may be adjusted") .

Re claim 2, the method of claim 1, wherein the step of receiving values for a set of input parameters includes receiving values from one or more sensors ("col.2 line 40-50; fig.1 (1)").

Re claim 3, the method of claim 1, wherein the set of input parameters includes at least one of vehicle speed (fig.2; col.2 line 40-45).

Re claim 10, the method of claim 1, wherein the audio output parameter is one of volume level (data output accompanied with sensed condition wt level condition as being either (H, L) col.2 line 40-46, fig.3).

RE claim 20, has been analyzed and rejected with respect to claim 10 above.

Re claim 13, has been analyzed and rejected with respect to claim 3.

Re claims 12, have been analyzed and rejected with respect to claims 2.

Re claim 8, the method of claim 1, further comprising: receiving a user input of an audio output parameter value (col.3 line 32-44) and receiving values for the set of input parameters (fig.2 (20); col.2 line 40-50); and storing the values for the set of input parameters and the audio output parameter values as the historical data (fig.2 (11); col.4 line 47-55).

Re claim 18 has been analyzed and rejected with respect to claim 8 above.

Re claim 11, Tsunoda et al. disclose a method for intelligent audio output control (fig.1-3; col.2 line 8-12), the method comprising: means for receiving values for a set of input parameters (fig.1-2 wt (20); col.4 line 28-39) and means for receiving stored historical data, wherein the stored historical data comprises stored values for the set of input parameters and a stored audio output parameter value associated with the stored values for the set of input parameters ("fig.1-2 wt: (11); col.4 line 45-57/ stored input data and corresponding output stored for specific input data see (col.2 line 40-50)"); means for predicting a value for an audio output parameter of an audio system based on the received values for the set of input

parameters and the stored historical data; ("fig.1-2 wt (1,11); col.4 line 50-56/input data and corresponding wt stored data (Ram, memory) may be outputted") ; and means for adjusting the audio output parameter for the audio system using the predicted value for the audio output parameter ("fig.1 (12)/output value according to specific input data (1) may be adjusted").

Re claim 21, has been analyzed and rejected with respect to claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. ("US 4,342,023 B2") and further in view of Official notice.

Re claim 4, Tsunoda et al. disclosed of the method of claim 1 with the data input and sensors (fig.1-2). But, Tsunoda et al. fail to disclose of the limitation wherein the set of input parameters includes audio type. However, official notice is taken the concept of

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receiving input audible sound is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention, to have incorporating the receiving input audible sound for the purpose of adjusting the automobile sensed sounds conditions according to noise detected in the vehicle passenger compartment.

Reclaim 14, has been analyzed and rejected with respect to claim 4.

Allowable Subject Matter

4. Claims 5-7,9, 15-17,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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